



COUNTY OF LOS ANGELES

Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JOHN F. SCHUNHOFF, Ph.D.
Chief Deputy Director

313 North Figueroa Street, Room 806
Los Angeles, California 90012
TEL (213) 240-8117 • FAX (213) 975-1273

www.lapublichealth.org



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March 5, 2007

TO: Each Supervisor

FROM: Jonathan Fielding, M.D., M.P.H.
Director and Health Officer

SUBJECT: **PROTOCOLS FOR NOTIFICATION OF SEWAGE SPILLS**

On January 30, 2007, the Board approved Supervisor Knabe's motion, as amended by Supervisor Yaroslavsky, concerning the Auditor-Controller's report on failed protocols which delayed notification of the Health Officer of sewer spills. Sections 1 and 2 of the motion contained the following instructions:

1. Direct the Director of Public Health, in close consultation with the Public Health Commission, Auditor-Controller, Chief Administrative Officer and County Counsel to:
 - a. Lead a project to pursue all 15 Auditor-Controller recommendations to conclusion,
 - b. Assume personal accountability for the results,
 - c. Designate a senior manager to serve as day-to-day project manager and advise the Board of his/her selection within one week,
 - d. Work closely and consultatively with affected County Departments and Districts, the Los Angeles Regional Water Quality Control Board, Heal the Bay, Santa Monica Baykeepers, the City of Los Angeles and all other affected constituencies,
 - e. Submit in no more than 60 days and present to the Board as a set item on April 3, 2007, the approach proposed to implement each recommendation along with an action plan and time table to accomplish the specified results,
 - f. Include as part of the project plan the additional task of critiquing the County's public health disaster response plans based on the improvements planned as a result of the Auditor-Controller's report, and
 - g. Provide monthly project status reports to the Board pending the Auditor-Controller's one year follow-up report, and
2. Instruct the County Fire Chief, the Directors of Public Works and Beaches and Harbors, and request the County Sanitation Districts, the Los Angeles Regional Water Quality Control Board, Heal the Bay, Santa Monica Baykeepers, the City of Los Angeles and all other affected constituencies to work with the Director of Public Health and his staff in this effort.

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On February 6, 2007, I sent you with a report in which I named the day-to-day project manager and provided you with an update on actions taken as of that date.

This is the first monthly status report. Attached are the 15 recommendations of the Auditor-Controller with the current status of each recommendation. I will provide you with the 60-day report by the end of March, in preparation for the April 3, 2007 presentation at the Board meeting. In the meantime, if you have any questions or need additional information, please let me know.

JEF:tp
PH:701:010(3)

Attachment

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors
Auditor-Controller
Public Health Commission

**AUDITOR CONTROLLER'S RECOMMENDATIONS
REGARDING SEWER SPILL NOTIFICATION
STATUS REPORT – MARCH 5, 2007**

- 1. The Board of Supervisors consider requesting the Los Angeles Regional Water Quality Control Board to amend the Los Angeles County NPDES permit and WDR to require sewer system owners/operators to:**
 - a. At a minimum, operate and maintain their sewer system equipment at the level specified by the equipment's manufacturer with additional maintenance performed as necessary to prevent sewage spills from occurring.**
 - b. Perform regular tests of their pumping station alarm systems, backup pumps, and electrical generators to ensure they will function as intended during an emergency.**
 - c. Maintain documentation to support all maintenance and testing of their sewer systems.**
- 2. The Board of Supervisors consider requesting the Los Angeles Regional Water Quality Control Board to amend the Los Angeles County NPDES permit and WDR to require sewer system owners/operators to convene a work group of key stakeholders to develop specific maintenance standards for owners/operators of sanitary sewer systems in Los Angeles County.**
- 3. The Board of Supervisors consider requesting the Los Angeles Regional Water Quality Control Board to amend the Los Angeles County NPDES permit and WDR to require sewer system owners/operators to seek appropriate authority and funding to create and operate an ongoing independent sanitary sewer collection system monitoring program. The program would monitor sanitary sewer owners/operators for compliance with established maintenance standards and would include a written report on the monitoring results.**

Section 4 of the motion approved by the Board on January 30, 2007, instructed the Executive Officer, to submit a letter to the Los Angeles Water Quality Control Board requesting that they:

- a. Amend the Los Angeles County National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements to require sewer system owners/operators to implement the Auditor-Controller's recommendations;
- b. Convene a work group of key stakeholders to develop specific maintenance standards for owners/operators of sanitary sewer systems in the County; and
- c. Seek appropriate authority and funding to create and operate an ongoing independent sanitary sewer collection system monitoring program which would monitor sanitary sewer owners/operators for compliance with established maintenance standards and would include a written report on the monitoring results.

The Executive Office, in consultation with the Fourth District, is holding the letter until the Auditor-Controller completes the revisions to the report. However, John Bishop, Executive Director of the Regional Water Quality Board attended the stakeholders meeting on February 23, 2007 (as described in the next section), and will work with the stakeholders on these recommendations.

4. **The Board of Supervisors instruct the Department of Public Health, in collaboration with interested environmental groups and sewer system owners/operators, the Department of Beaches and Harbors, Fire Department/Lifeguard Division, and Los Angeles Regional Water Quality Control Board, to define the mandatory timeframe for reporting a sewage spill to the County's Public Health Officer.**

On February 14, 2007, Environmental Health staff met with Rita Robinson, Director of the City of Los Angeles Bureau of Sanitation and key staff to discuss spill reporting procedures and implementation concerns (see attached sign-in sheet).

On February 23, 2007, Public Health staff met with representatives of the following stakeholders: City of Los Angeles Sanitation Bureau, Los Angeles County Sanitation Districts, Regional Water Control Board, City of Long Beach Environmental Health, City of Pasadena Public Health Department, Heal the Bay, Santa Monica Baykeeper, County departments of Auditor-Controller, Beaches and Harbors, County Counsel, Internal Services, Public Works, and representatives of Assemblypersons Julie Brownley and Ted Lieu, and the Third Supervisorial District.

The purpose of the meeting was to review the Board of Supervisor's January 30, 2007 motion and action; review the Auditor-Controller's report on failed protocols which delayed notification of the Health Officer of sewer spills; review current legislation regarding sewage spill reporting; review actions taken to date in response to the Board's motion and Auditor-Controller's report; and to discuss preparation of a draft response plan to address the Board's motion and Auditor-Controller's recommendations. This plan will include drafting a list of actions items and assigning responsible parties and timelines for each action item.

At this meeting, three sub-committees were formed for the purpose of determining spill reporting timeline requirements; developing a contractor notification/reporting policy; and developing a regional reporting call center.

A letter was mailed to the cities of Pasadena, Vernon, and Long Beach requesting that sewage discharges which take place in their respective jurisdiction and have the potential to enter Los Angeles County Jurisdiction be reported to the Los Angeles County Health Officer.

5. **To make the timeframe determined above an enforceable requirement in Los Angeles County, the Board of Supervisors consider requesting the Los Angeles Regional Water Quality Control Board to amend the Wastewater Discharge Requirements to include a requirement that specifies when the County's Public Health Officer should be notified of a sewage spill.**

Section 4 of the motion approved by the Board on January 30, 2007, instructed the Executive Officer, to submit a letter to the Los Angeles Water Quality Control Board requesting that they:

- a. Amend the Los Angeles County National Pollutant Discharge Elimination System Permit and Waste Discharge Requirements to require sewer system owners/operators to implement the Auditor-Controller's recommendations;
- b. Convene a work group of key stakeholders to develop specific maintenance standards for owners/operators of sanitary sewer systems in the County; and
- c. Seek appropriate authority and funding to create and operate an ongoing independent sanitary sewer collection system monitoring program which would monitor sanitary sewer owners/operators for compliance with established maintenance standards and would include a written report on the monitoring results.

The Executive Office, in consultation with the Fourth District, is holding the letter until the Auditor-Controller completes the revisions to the report. However, John Bishop, Executive Director of the Regional Water Quality Board attended the stakeholders meeting, and will work with the stakeholders on these recommendations.

- 6. The Board of Supervisors instruct the Department of Public Health, in consultation with the Public Health Commission, to develop an educational program for owners/operators of sanitary sewer systems, which shall include, but not limited to, clarification on how soon the public health officer must be contacted after a spill and the names and telephone numbers of all County representatives that should be notified following a sewage spill.**

After the three subcommittees make their recommendations, educational material will be developed and distributed to all owner/operators of sanitary sewer systems in the County as well as information to the general public regarding how to file a sewage discharge report.

- 7. The Board of Supervisors consider seeking an amendment to the Water Code to include a requirement that the local public health officer be immediately notified in the event of a sewage spill.**
- 8. The Board of Supervisors considers seeking a change in State law to permit civil fines to be imposed on persons who do not immediately notify the local public health officer when a sewage spill occurs.**

Assemblyman Ted Lieu, has introduced AB 800, which includes two of the three recommended legislative changes. It would require notification within 2 hours of a sewer spill to the State Office of Emergency Services, the Regional Water Quality Control Board, the Local Health Officer and the local Director of Environmental Health. The bill will also increase penalties for non-reporting.

Assemblywoman Browley has introduced the County-sponsored bill, AB 1391, which when amended will include the three legislative changes recommended by the Auditor-Controller's report (water board membership, civil penalties, and notification).

- 9. Board of Supervisors instruct the Department of Public Health to provide the County operator with an emergency contact list that contains the names and telephone numbers of at least three employees who will be on-call to receive reports of sewage spills after normal business hours and to ensure that the contact list is always accurate and up-to-date.**
- 10. Board of Supervisors instruct the Department of Public Health to instruct the County Operator in writing to report all sewage spills to an employee listed on the emergency contact list and to make repeated telephone calls if necessary until an employee is reached, and to discontinue the practice of leaving messages on voicemail or answering machine systems.**

On February 13, 2007, the County Operator was given a written memo, with the names and home, cellular and pager numbers for staff responding to weekend and after hours sewage discharge reports. If a sewage discharge report is received after hours during the work week, the County Operator is instructed to contact everyone on the list provided by Environmental Health until a "live" person is reached. A total of seven names have been provided to ensure a timely and appropriate response. If a sewage discharge report is received on the weekend, Environmental Health has assigned two staff members of the seven to be on-call and reachable on a rotating basis, via home/cellular phone and pager, to respond as appropriate.

The County Operator has been instructed to

- report all sewage discharges to Environmental Health regardless of the amount or location of the sewage discharge or the disposition of sewage.
- report all sewage discharges to Environmental Health received during normal , weekend or after hours
- Continue the reporting process until an Environmental Health employee is reached rather than leave a message.

Previously, the County Operator only reported discharges that were 1,000 gallons or more and would report the day such information is received or for discharges of less than 1,000 gallons notify Environmental Health the next business day.

11. The Board of Supervisors instruct the Department of Public Health to develop policies and procedures to centralize the reporting and tracking of all sewage spills within the Department's Recreational Health Program.

On February 1, 2007, all staff members of the Recreational Health Program were trained on protocols for receiving sewage discharge reports from responsible agencies or the County Operator.

Beginning March 12, 2007, Environmental Health will divide the Recreational Health Program and form the Water Quality Program. Environmental Health staff under this new program will be primarily responsible for carrying out duties related to water quality, including ocean monitoring and sewage spill response.

Environmental Health has developed a Sewage Discharge Incident Report Form that will be utilized by all Environmental Health units which are responding to sewage discharge incidents from sources other than those agencies required to report discharges. For example, a housing inspector may learn of a sewage discharge from a multi-family housing complex where the sewage is going from private property on to the street. A policy is under development that will standardize the reporting procedures thereby insuring that sewage discharges discovered through the various inspection activities, which may potentially reach storm drains and therefore ocean water, will be reported

12. The Board of Supervisors instruct the Department of Public Health to require Recreational Health Program to immediately begin documenting and tracking all reports of sewage spills, and providing reference/tracking numbers to persons reporting sewage spills.

As reported to you in our February 6, 2007 memorandum, Environmental Health established a database of sewage spill reports (from 2002 to the present) that includes such information as the date of report, location, start and end time, reporting party, time cause and actions taken. The information is color coded to indicate significant reporting delay, reported to Public Health (Environmental Health), amount of spill, amount contained, whether the spill reached the ocean, and if discharge into ocean was insignificant or required beach closure. This information is currently being posted on the web as a PDF file and Environmental Health staff is updating it on a weekly basis. For the month of January, Environmental Health received 21 sewage discharge reports which resulted in one beach closure. During the month of February, Environmental Health received 44 sewage discharge reports that resulted in three beach closures.

- 13. The Board of Supervisors instruct the Department of Beach and Harbors and the Fire Department to submit a reimbursement claim to the Los Angeles County Sanitation Districts for costs incurred in responding to the January 2006 Manhattan Beach sewage spill.**

The Fire Department advised that a claim was submitted to the Los Angeles County Sanitation District the week of February 19, 2007. The Department of Beaches and Harbor has advised that a claim will be filed within the month of March.

- 14. The Board of Supervisors consider requesting the Governor to appoint someone with an expertise in public health to fill the vacant membership position on the Los Angeles Regional Water Board.**

- 15. The Board of Supervisors consider seeking an amendment to the Water Code to require that at least one of the Water Board's seven membership categories include someone with a public health background.**

Section 3 of the motion approved by the Board on January 30, 2007, instructed the Executive Officer, to submit a letter, signed by the Board, and the Auditor-Controller's Report, to Governor Schwarzenegger and the Los Angeles County Legislative Delegation:

- a. Indicating Board support of the County Public Health Commission's recommendation to have a public health expert on the Los Angeles Regional Water Quality Control Board,
- b. Requesting consideration of a change in the Water Code to require at least one Water Board member to have a public health background, and
- c. Suggesting that they consider investigating whether the problems Los Angeles County experience in reporting and documenting potentially harmful sewage spills as required by law are also occurring elsewhere in the State.

The Executive Office, in consultation with the Fourth District, is holding the letters until the Auditor-Controller completes the revisions to the report.